

# TITLE 38—VETERANS' BENEFITS

*This title was enacted by Pub. L. 85-857, §1, Sept. 2, 1958, 72 Stat. 1105*

Part		Sec.
<b>I.</b>	<b>General Provisions .....</b>	<b>101</b>
<b>II.</b>	<b>General Benefits .....</b>	<b>1101</b>
<b>III.</b>	<b>Readjustment and Related Benefits .....</b>	<b>3001</b>
<b>IV.</b>	<b>General Administrative Provisions .....</b>	<b>5100</b>
<b>V.</b>	<b>Boards, Administrations, and Services .....</b>	<b>7101</b>
<b>VI.</b>	<b>Acquisition and Disposition of Property .....</b>	<b>8101</b>

## AMENDMENTS

2002—Pub. L. 107-330, title III, §308(g)(1)(B), Dec. 6, 2002, 116 Stat. 2828, substituted “5100” for “5101” in item for part IV.

1991—Pub. L. 102-83, §5(b)(2), Aug. 6, 1991, 105 Stat. 406, substituted “1101” for “301” in item for part II and “3001” for “1401” in item for part III.

Pub. L. 102-40, title IV, §§402(c)(2), 403(e)(2), May 7, 1991, 105 Stat. 239, 240, substituted “5101” for “3001” in item for part IV, “Boards, Administrations, and Services . . . 7101” for “Boards and Departments . . . 4001” in item for part V, and “8101” for “5001” in item for part VI.

1986—Pub. L. 99-576, title VII, §702(18), Oct. 28, 1986, 100 Stat. 3302, substituted “1401” for “1501” in item for part III.

TABLE I  
Showing Disposition of All Sections of Former Title 38  
by 1958 Revision)

<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
1-3 .....	Rep.
4 .....	(See former 11e)
5 to 11a-3 .....	Rep.
11b to 11c-1 .....	Rep.
11d, 11d-1 .....	Rep.
11e to 11f .....	Rep.
12, 12a .....	Rep.
13-13g .....	Rep.
14-14e .....	Rep.
15-15n .....	Rep.
16-16j .....	Rep.
17-17j .....	Rep.
21 .....	Rep.
23-26c .....	Rep.
27-32a .....	Rep.
33-39a .....	Rep.
41-49a .....	Rep.
50-61 .....	Rep.
71-72a .....	Rep.
73-77 .....	Rep.
91-97 .....	Rep.
101-104 .....	Rep.
111-116 .....	Rep.
121-125 .....	Rep.
126 .....	T. 18 §289
127-129 .....	Rep.
130 .....	T. 18 §290
131-134 .....	Rep.
151-155a .....	Rep.
156-168b .....	Rep.
169-179 .....	Rep.
191-206 .....	Rep.
221-230 .....	Rep.
231 .....	(See former 179)
232 .....	Rep.
238-238e .....	Rep.
241-252e .....	Rep.
253, 254 .....	Rep.
261, 262 .....	Rep.
264-277 .....	Rep.

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<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
281-285 .....	Rep.
286 .....	(See former 325a)
287-291b .....	Rep.
291c .....	(See former 326b)
291d-294 .....	Rep.
311, 311a .....	Rep.
312-314 .....	Rep.
321-321c .....	Rep.
322-324a .....	Rep.
325, 325a .....	Rep.
326-326c .....	Rep.
327-332 .....	Rep.
341 .....	(See former 33)
341a .....	(See former 274)
341b .....	(See former 275)
341c .....	(See former 291b)
341d .....	(See former 321c)
341e .....	(See former 326c)
341f .....	Rep.
351, 351a .....	Rep.
352-357b .....	Rep.
358 to 364q-1 .....	Rep.
364h, 364j .....	Rep.
365 to 365b-1 .....	Rep.
365c-365h .....	Rep.
366-370i .....	Rep.
371-374a .....	Rep.
375-379 .....	Rep.
381 to 381-2 .....	Rep.
381a-381f .....	Rep.
391-394 .....	Rep.
421-423 .....	Rep.
424 .....	753
424a-438m .....	Rep.
439-441 .....	Rep.
442 .....	756
443 .....	755
444 .....	Rep.
445 .....	784(a)-(h)
445a .....	Rep.
445b .....	784(i)
445c .....	Rep.
445d .....	784(b), (h)
446 .....	Rep.
447 .....	754
448-452 .....	Rep.
453 .....	3102
454, 454a .....	Rep.
455-459f .....	Rep.
460 .....	Rep.
461 .....	Elim.
462 .....	(See former 557)
471 to 471a-5 .....	Rep.
472 to 472b-1 .....	Rep.
472c-472e .....	Rep.
473, 473a .....	Rep.
474-483a .....	Rep.
484-488a .....	Rep.
489 to 501a-1 .....	Rep.
501b-505a .....	Rep.
506-507b .....	Rep.
508 .....	Rep.
509, 509a .....	Rep.
510 .....	Rep.
511 .....	741, 743, 757(a), 782
511a .....	Rep.
512 .....	742, 743, 744(a), (b), 745, 749-752
512a .....	Rep.
512b .....	748
512b-1 .....	744(c)
512c .....	758
512d .....	757(c)
513 .....	757(b)
514 .....	Rep.
515 .....	759(a)
516-516b .....	Rep.
517 .....	760
518 .....	747
531-539 .....	Rep.
551-555a .....	Rep.

TABLE I—CONTINUED

<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
556, 556a .....	Rep.
557 .....	Rep.
571–576 .....	Rep.
581–582c .....	Rep.
583 .....	Rep.
591, 592 .....	Rep.
601–603 .....	Rep.
611–613a .....	Rep.
614–618e .....	Rep.
619–623 .....	Rep.
631, 632 .....	Rep.
641–647a .....	Rep.
648–650 .....	Rep.
661–670 .....	Rep.
681–683 .....	Rep.
686–686c .....	Rep.
687–687c .....	Rep.
688–688b .....	Rep.
691–691g .....	Rep.
693–693g .....	Rep.
693h .....	T10 §1553
693i .....	T10 §1554
694(a) .....	1801(a), 1802(a), (b), 1803(a)(1), (b)
694(b) .....	1803(b)–(d)
694(c) .....	1802(c)
694(d) .....	1802(d), (f)
694(e) .....	1802(d)
694(f) .....	1802(e)
694(g) .....	1803(a)(2)
694a .....	1810
694b .....	1812
694c .....	1813
694c–1 .....	1822
694d .....	212(a), 1804(a)–(c)
694e .....	T. 7 §1001(b)(2)
694f .....	Rep.
694g .....	1816, 1817
694h .....	1814
694i .....	1815
694j .....	1820(a)–(c)
694k .....	1821
694l .....	1810(a), (b), 1811(a)–(j)
694m .....	1811(k), 1823
694n .....	1804(d)
694o, 694p .....	Rep.
695 .....	2010
695a .....	2011
695b .....	2012
695c .....	2013
695d .....	Rep.
695e .....	2014
695f .....	Rep.
696 to 696f–1 .....	Rep.
696g–696m .....	Rep.
697(a) .....	Rep.
697(b) .....	616
697a, 697b .....	Rep.
697c .....	101(2)
697d, 697e .....	Rep.
697f .....	109(b)
697g .....	1510, 1824
700, 701 .....	Rep.
701a .....	1502(a), (c)(2), (3), (d)
702–703c .....	Rep.
704, 704a .....	Rep.
705–706c .....	Rep.
707–715a .....	Rep.
716–729b .....	Rep.
730–750 .....	Rep.
Vet. Reg. No. 1(a), Pts. I–VI, VIII, IX.	Rep.
Pt. VII .....	217, 351, 1501–1508, 3013, 3107(c)
Vet. Reg. Nos. 2–12 .....	Rep.
801(a) .....	Rep.
801(b) .....	101
801(c) .....	Rep.
801(d)–(f) .....	701
802(a) .....	703
802(b), (c)(1) .....	Rep.
802(c)(2) .....	719(b)
802(d) .....	Rep.
802(e) .....	702
802(f) .....	704–707
802(g) .....	701(3), 716(b), 717(a)
802(h) .....	716(a), (b)
802(i) .....	716(d)
802(j), (k) .....	716(e)
802(l) .....	716(f)
802(m)(1) .....	708
802(m)(2) .....	Rep.
802(n) .....	712
802(o) .....	Rep.
802(p) .....	709
802(q) .....	703
802(r) .....	713
802(s) .....	Rep.
802(t) .....	717(b), (c)
802(u) .....	717(d)
802(v)(1) .....	715, 719(b)
802(v)(2) .....	721(d)

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<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
802(w) .....	710
802(x) .....	783
802(y) .....	Rep.
802(z) .....	714
803 .....	703, 741
804 .....	719(a)
805 .....	720
805a .....	786
806 .....	782
807 .....	721(a)–(c)
808 .....	210–212, 785
809 .....	3102
810 .....	108
811 .....	Rep.
812 .....	711
813 .....	787(b)
814 .....	3502(b)
815 .....	787(a)
816 .....	718
817 .....	784(a)–(h)
818–820 .....	Rep.
821 .....	722(a)
822 .....	723(a), (c)
823 .....	724
824 .....	781
851–858 .....	Rep.
901 .....	1601(c)
911 .....	1601(a)
916 .....	1610
917 .....	1612
918 .....	1613
919 .....	1611
926 .....	1620
927 .....	1621
928 .....	1622
929 .....	1623(a), (b)
930 .....	1624
931 .....	1623(c)
932 .....	1625
933 .....	1626
941 .....	1631
942 .....	1632
943 .....	1633
944 .....	1634
951 .....	1641
952 .....	1642
953 .....	1643
954 .....	1644
955 .....	1645
961 .....	1651
962 .....	1652
963 .....	1653
964 .....	1654
965 .....	1655
966 .....	1656
971(a) .....	1661(a)
971(b) .....	213
971(c) .....	111, 1661(b)
972 .....	1662(a)
973 .....	1663
974 .....	1664
975 .....	1665
975a .....	Rep.
976 .....	1666
977 .....	1667
978 .....	1668
979–981 .....	Rep.
982 .....	1669
983, 984 .....	Rep.
991 .....	2001
992 .....	2002
993 .....	2003
994 .....	2004
995 .....	2005
996 .....	2006
997 .....	2007
998 .....	2008
999 .....	2009
1011 .....	2101
1012 .....	2102
1013 .....	2104
1014 .....	2103
1015 .....	2105
1016 .....	Rep.
1031 .....	1701(d)
1032 .....	1701(a)–(c)
1033(a) .....	1761(a)
1033(b) .....	213
1033(c) .....	111, 1761(b)
1033(d) .....	1662(b)
1033(e) .....	1761(c)
1033(f) .....	1761(d)
1034 .....	1762
1035 .....	1763
1036 .....	1764
1037 .....	1765
1038 .....	1766
1039 .....	1767
1040 .....	1768
1041–1045 .....	Rep.

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<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
1051 .....	1710
1052 .....	1711
1053 .....	1712
1054 .....	1713
1055 .....	1714
1061 .....	1720
1062 .....	1721
1063 .....	1722
1064 .....	1723
1065 .....	1724
1066 .....	1725
1067 .....	1726
1068 .....	1731
1069 .....	1732
1070 .....	1733
1071 .....	1734
1072 .....	1735
1073 .....	1736
1074 .....	1737
1081 .....	1740
1082 .....	1741
1083 .....	1742
1084 .....	1743
1101(1) .....	101(1)
1101(2)(A)–(C) .....	Rep.
1101(2)(D) .....	403
1101(2)(E) .....	Rep.
1101(3) .....	101(27)
1101(4) .....	101(21)
1101(5) .....	101(22)
1101(6)(A) .....	101(23)
1101(6)(B) .....	106(d)
1101(6)(C) .....	101(22), (23)
1101(7) .....	101(4), (5)
1101(8) .....	101(3), 404
1101(9) .....	101(25)
1101(10)(A) .....	401(1)
1101(10)(B) .....	403
1101(11)(A) .....	402(a)
1101(11)(B) .....	402(b)
1101(11)(C) .....	402(c)(2)
1101(11)(D) .....	421(b)
1101(11)(E) .....	402(c)(1)
1101(11)(F) .....	421(a)
1101(12) .....	106(c)
1102 .....	3005
1103(a) .....	412
1103(b)–(d) .....	422
1111 .....	410(a)
1112 .....	411
1113 .....	413
1114 .....	414
1115 .....	415
1116 .....	416
1117 .....	410(a)
1118 .....	417(b)
1119(a), (b) .....	Rep.
1119(c) .....	410(b)
1119(d) .....	3104(b)(2)
1119(e) .....	101(3)
1120 .....	Rep.
1131, 1132 .....	Rep.
1133(a) .....	Rep.
1133(b) .....	423
1133(c)–(e) .....	Rep.
1134 .....	Rep.
2101(1)–(9) .....	101(1)–(9)
2101(10) .....	501(1)
2101(11) .....	Rep.
2101(12)–(18) .....	101(11)–(17)
2102 .....	102(a)
2103 .....	103(a), (b)
2104 .....	104
2105 .....	105
2106 .....	101(18)
2107 .....	102(b)
2121 .....	111
2122 .....	108
2123 .....	3303
2124(a) .....	101(21)(D)
2124(b) .....	106(a)
2125 .....	107
2126 .....	3109
2127 .....	109(a)
2128 .....	110
2141–2150 .....	Rep.
2201 .....	201
2202 .....	202
2210 .....	210
2211 .....	211, 785
2212 .....	212
2213 .....	214
2214 .....	215
2215 .....	216
2216 .....	3304
2230 .....	230
2231 .....	231
2232 .....	232
2233 .....	233
2234 .....	234

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<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
2235 .....	Rep.
2301 .....	301
2302 .....	302
2310 .....	310
2311 .....	106(b)
2312 .....	311
2313 .....	312
2314 .....	313
2315 .....	314
2316 .....	315
2321 .....	321
2322 .....	322
2331 .....	331
2332 .....	106(b)
2333 .....	332
2334 .....	333
2335 .....	334
2336 .....	335
2337 .....	336
2341 .....	341
2342 .....	342
2343 .....	343
2351 .....	351
2352 .....	352
2353 .....	353
2354 .....	354
2355 .....	355
2356 .....	356
2357 .....	357
2358 .....	358
2401 .....	501
2402 .....	502
2403 .....	503
2404 .....	504
2405 .....	505
2410 .....	510
2411 .....	511
2412 .....	512
2421 .....	521
2422 .....	522
2423 .....	523
2431 .....	531
2432(a)–(d) .....	532
2432(e) .....	501(3)
2433 .....	533
2434 .....	534
2435 .....	535
2436 .....	536
2437 .....	537
2441 .....	541
2442 .....	542
2443 .....	543
2444 .....	544
2445 .....	545
2460 .....	560
2461 .....	561
2462 .....	562
2501 .....	601
2502 .....	602
2510 .....	610
2511 .....	611
2512 .....	612
2513 .....	613
2514 .....	614
2515 .....	615
2521 .....	621
2522 .....	622
2523 .....	623
2524 .....	624
2525 .....	625
2526 .....	626
2527 .....	627
2531 .....	631
2532 .....	632
2533 .....	633
2534 .....	634
2601 .....	801
2602 .....	802
2603 .....	803
2604 .....	804
2605 .....	805
2701 .....	1901
2702 .....	1902
2703 .....	1903
2704(a) .....	1904
2704(b) .....	Rep.
2705 .....	1905
2801 .....	901
2802 .....	902
2803 .....	903
2804 .....	904
2805 .....	905
2901 .....	3001
2902 .....	3002
2903 .....	3003
2904 .....	3004
2910 .....	3010
2911 .....	3011
2912 .....	3012
2920 .....	3020

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<i>Title 38 Former Sections</i>	<i>Title 38 New Sections</i>
2921 .....	3021
2922 .....	3022
3001 .....	753, 3101
3002 .....	3102
3003 .....	3103
3004 .....	3104
3005 .....	3105
3006 .....	3106
3007 .....	3107(a), (b)
3008 .....	3108
3101 .....	3501
3102 .....	3502
3103 .....	3503
3104 .....	3504
3201 .....	3301
3202 .....	3302
3211 .....	3311
3212 .....	3312
3213 .....	3313
3301 .....	4001
3302 .....	4002
3303 .....	4003
3304 .....	4004
3305 .....	4005
3306 .....	4006
3307 .....	4007
3308 .....	4008
3401 .....	4101
3402 .....	4102
3403 .....	4103
3404 .....	4104
3405 .....	4105
3406 .....	4106
3407 .....	4107
3408 .....	4108
3409 .....	4109
3410 .....	4110
3411 .....	4111
3412 .....	4112
3413(a) .....	4113
3413(b), (c) .....	Rep.
3414 .....	4114
3415 .....	4115
3501 .....	3201
3502 .....	3202
3503 .....	3203
3504 .....	3204
3601 .....	3401
3602 .....	3402
3603 .....	3403
3604 .....	3404
3605 .....	3405
3701 .....	5001
3702 .....	5002
3703 .....	5003
3704 .....	5004
3705 .....	5005
3711 .....	5011
3712 .....	5012
3713 .....	5013
3714 .....	5006
3715 .....	5014
3716 .....	213
3801 .....	5101
3802 .....	5102
3803 .....	5103
3804 .....	5104
3805 .....	5105
3901 .....	5201
3902 .....	5202
3903 .....	5203
3904 .....	5204
3905 .....	5205
3906 .....	5206
3907 .....	5207
3908 .....	5208
3909 .....	5209
3910 .....	5210
3920 .....	5220
3921 .....	5221
3922 .....	5222
3923 .....	5223
3924 .....	5224
3925 .....	5225
3926 .....	5226
3927 .....	5227
3928 .....	5228
4001 .....	4201
4002 .....	4202
4003 .....	4203
4004 .....	4204
4005 .....	4205
4006 .....	4206
4007 .....	4207
4008 .....	4208

TABLE II  
(Showing Disposition of Former Sections of Title 38 by  
1991 Renumbering)

<i>Title 38 Former Sections</i>	<i>Title 38 Renumbered Sections</i>
201 .....	Rep. See 301(b)
202 .....	Rep. See 302
203 .....	Rep. See 313
210(a) .....	Rep.
210(b)(1) .....	Rep. See 303
210(b)(1), (2) .....	Rep. See 510
210(b)(3) .....	Rep. See 711
210(c)(1) .....	Rep. See 501(a), (b)
210(c)(2), (3) .....	Rep. See 503
210(d) .....	Rep. See 304
211(a) .....	Rep. See 511
211(b) .....	Rep. See 505
212 .....	Rep. See 512
213 .....	Rep. See 513
214 .....	Rep. See 529
215 .....	Rep. See 525
216 .....	Rep. See 521
217 .....	Rep. See 522
218(a) .....	Rep. See 901
218(b) .....	Rep. See 902
218(c) .....	Rep. See 903
218(d) .....	Rep. See 904
218(e) .....	Rep. See 905
219 .....	Rep. See 527
220 .....	Rep. See 523
221 .....	Rep. See 541
222 .....	Rep. See 542
223(a), (b) .....	Rep. See 501(c), (d)
223(c) .....	Rep. See 502
224 .....	Rep. See 515(a)
230(a), (b) .....	Rep. See 314, 315
230(c) .....	Rep. See 316
231 .....	Rep. See 701
232 .....	Rep.
233 .....	Rep. See 703
234 .....	Rep. See 705
235 .....	Rep. See 707
236 .....	Rep. See 515(b)
240 .....	Rep. See 7721
241 .....	Rep. See 7722
242 .....	Rep. See 7723
243 .....	Rep. See 7724
244 .....	Rep. See 7725
245 .....	Rep. See 7726
246 .....	Rep.
301 .....	1101
302 .....	1102
310 .....	1110
311 .....	1111
312 .....	1112
313 .....	1113
314 .....	1114
315 .....	1115
316 .....	1116
321 .....	1121
322 .....	1122
331 .....	1131
332 .....	1132
333 .....	1133
334 .....	1134
335 .....	1135
336 .....	Rep.
337 .....	1137
341 .....	1141
342 .....	1142
343 .....	Rep.
351 .....	1151
352 .....	1152
353 .....	1153
354 .....	1154
355 .....	1155
356 .....	Rep.
357 .....	1157
358 .....	1158
359 .....	1159
360 .....	1160
361 .....	1161
362 .....	1162
363 .....	1163
401 .....	1301
402 .....	1302
403 .....	Rep.
404 .....	1304
410 .....	1310
411 .....	1311
412 .....	1312
413 .....	1313
414 .....	1314
415 .....	1315
416 .....	1316
417 .....	1317
418 .....	1318
421 .....	1321
422 .....	1322
423 .....	1323
501 .....	1501
502 .....	1502
503 .....	1503

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<i>Title 38 Former Sections</i>	<i>Title 38 Renumbered Sections</i>
504 .....	1504
505 .....	1505
506 .....	1506
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## ENACTING CLAUSE

Pub. L. 85-857, §1, Sept. 2, 1958, 72 Stat. 1105, provided in part: "That the laws relating to veterans' benefits are revised, codified, and enacted as title 38, United States Code, 'Veterans' Benefits'".

## EFFECTIVE DATE

Pub. L. 85-857, §2, Sept. 2, 1958, 72 Stat. 1262, provided that: "Except as otherwise provided in this Act, this Act shall take effect on January 1, 1959."

## OFFENSES COMMITTED UNDER REPEALED LAWS

Pub. L. 85-857, §3, Sept. 2, 1958, 72 Stat. 1262, provided that:

"(a) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act or the Veterans' Benefits Act of 1957 may be prosecuted and punished in the same manner and with the same effect as if such Acts had not been enacted.

"(b) Forfeitures of benefits under laws administered by the Veterans' Administration occurring before January 1959 shall continue to be effective."

CONTINUATION OF AUTHORITY UNDER ACT OF  
JULY 3, 1930

Pub. L. 85-857, §4, Sept. 2, 1958, 72 Stat. 1262, provided that: "All functions, powers, and duties conferred upon and vested in the President and the Administrator by the Act of July 3, 1930 (46 Stat. 1016) and which were in effect on December 31, 1957, are continued in effect."

## CROSS REFERENCES

Pub. L. 85-857, §5, Sept. 2, 1958, 72 Stat. 1262, provided that:

"(a) References in other laws to any provision of law replaced by title 38, United States Code, shall, where applicable, be deemed to refer also to the corresponding provision of title 38, United States Code.

"(b) References in title 38, United States Code, to any provision of title 38, United States Code, shall, where applicable, be deemed to refer also to the prior corresponding provisions of law.

"(c) Amendments effective after August 18, 1958, made to any provision of law replaced by title 38, United States Code, shall, notwithstanding the repeal of such provision by section 14 of this Act, supersede the corresponding provisions of title 38, United States Code, to the extent that such amendments are inconsistent therewith."

## CONTINUING AVAILABILITY OF APPROPRIATIONS

Pub. L. 85-857, §6, Sept. 2, 1958, 72 Stat. 1263, provided that:

"(a) Amounts heretofore appropriated to carry out the purposes of any provision of law repealed by this Act, and available on December 31, 1958, shall be available to carry out the purposes of the corresponding provisions of title 38, United States Code.

"(b) The availability and use of appropriations made for the purposes of the Act of July 1, 1948 (62 Stat. 1210; 50 App. U.S.C. 1991-1996) shall not be affected by the repeal of such Act."

## OUTSTANDING RULES, REGULATIONS, AND ORDERS

Pub. L. 85-857, §7, Sept. 2, 1958, 72 Stat. 1263, provided that: "All rules, regulations, orders, permits, and other privileges issued or granted by the Administrator of Veterans' Affairs before December 31, 1958, and in effect on such date (or scheduled to take effect after such date) shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator."

## PUBLICATION

Pub. L. 85-857, §8, Sept. 2, 1958, 72 Stat. 1263, provided that: "This Act shall be printed in slip-law form with a table of contents and a comprehensive index and tables furnished by the Committee on Veterans' Affairs of the House of Representatives; however, such table of contents, comprehensive index and tables shall not be printed in the United States Statutes at Large."

## PENDING CLAIMS

Pub. L. 85-857, §9, Sept. 2, 1958, 72 Stat. 1263, provided that: "A claim for benefits which is pending in the Veterans' Administration on January 1, 1959, or filed thereafter, shall be adjudicated under the laws in effect on December 31, 1958, with respect to the period before January 1, 1959, and, except as provided in section 10, under title 38, United States Code, thereafter."

## PERSONS RECEIVING BENEFITS ON DECEMBER 31, 1958

Pub. L. 85-857, §10, Sept. 2, 1958, 72 Stat. 1263, provided that: "Any individual receiving benefits as a veteran, or as the widow, child, or parent of a veteran, under public laws administered by the Veterans' Administration on December 31, 1958, shall, as long as entitlement under such laws continues, receive benefits under the corresponding provisions of title 38, United States Code, thereafter, or benefits at the rate payable under such public laws, whichever will result in the greater benefit being paid to the individual. The provisions of this section shall apply to those claims within the purview of section 9 in which it is determined that benefits are payable for December 31, 1958."

PERSONS ENTITLED TO EMERGENCY OFFICERS' RETIREMENT PAY ON DECEMBER 31, 1958, OR WHO FAILED TO  
SUBMIT APPLICATIONS PRIOR TO MAY 25, 1929

Pub. L. 85-857, §11, Sept. 2, 1958, 72 Stat. 1263, as amended by Pub. L. 87-875, Oct. 24, 1962, 76 Stat. 1198, provided that:



“(a) Any person who was receiving, or entitled to receive, emergency officers’ retirement pay, or other privileges or benefits as a retired emergency officer of World War I, on December 31, 1958, under the laws in effect on that day, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue, to receive, or be entitled to receive, emergency officers’ retirement pay at the rate otherwise payable on December 31, 1958, and such other privileges and benefits, so long as the conditions warranting such pay, privileges, and benefits under those laws continue.

“(b) Any individual who, upon application therefor before May 25, 1929, would have been granted emergency officer’s retirement pay based upon 30 per centum or more disability under the Act of May 24, 1928 (45 Stat. 735), and who would have been entitled to continue to receive such pay under section 10 of Public Numbered 2, Seventy-third Congress, or under section 1 of Public Numbered 743, Seventy-sixth Congress, and who upon being placed on the emergency officers’ retired list would have been paid retired pay at a monthly rate lower than the monthly rate of disability compensation then payable, shall, upon application made therefor after the date of enactment of this subparagraph [Oct. 24, 1962] to the Administrator of Veterans’ Affairs, be placed upon the appropriate emergency officers’ retired list, and thereafter shall be entitled to all rights, privileges, and benefits of retired emergency officers of World War I.”

#### CONTINUATION OF CERTAIN RIGHTS AND BENEFITS

Pub. L. 85-857, §12, Sept. 2, 1958, 72 Stat. 1264, as amended by Pub. L. 89-50, §1(c), June 24, 1965, 79 Stat. 173; Pub. L. 91-24, §14(a), June 11, 1969, 83 Stat. 35, provided that:

“(a) [Repealed by Pub. L. 91-24, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder. Prior to such repeal, subsec. (a) read as follows: “The repeal of part VIII, and paragraphs 10 and 11 of part VII, of Veterans Regulation Numbered 1(a), sections 3 and 4 of Public Law 16, Seventy-eighth Congress, and section 1507 of the Servicemen’s Readjustment Act of 1944, shall not apply in the case of any veteran (1) who enlisted or reenlisted in a regular component of the Armed Forces after October 6, 1945, and before October 7, 1946, or (2) whose discharge or dismissal is changed, corrected, or modified before February 1, 1965, pursuant to section 1552 or 1553 of title 10, United States Code, or by other corrective action by competent authority.”]

“(b) Nothing in this Act or any amendment or repeal made by it, shall affect any right, liability, penalty, authorization or requirement pertaining to World War adjusted compensation authorized or prescribed under the provisions of the World War Adjusted Compensation Act, or the Adjusted Compensation Payment Act, 1936, or any related Act, which was in effect on December 31, 1958.

“(c) [Repealed by Pub. 89-50, effective July 1, 1966. Prior to such repeal, subsec. (c) read as follows: “Nothing in this Act, or any amendment or repeal made by it, shall deprive any person of benefits under the Mustering-Out Payment Act of 1944 to which he would have been entitled if this Act had not been enacted.”]

“(d) Nothing in this Act, or any amendment or repeal made by it, shall affect any right of any person based on a contract entered into before the effective date of this Act, or affect the manner in which such right could have been enforced or obtained but for this Act, or such amendment or repeal.

“(e) Chapter 37 of title 38, United States Code, is a continuation and restatement of the provisions of title III of the Servicemen’s Readjustment Act of 1944, and may be considered to be an amendment to such title III.”

IMPROVEMENT OF UNITED STATES CODE BY PUB. L. 102-83; CORRESPONDING PROVISIONS; SAVINGS PROVISION

Pub. L. 102-83, §7, Aug. 6, 1991, 105 Stat. 410, provided that:

“(a) REFERENCES TO REPLACED LAWS.—A reference to a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 [enacting chapters 3, 5, 7, 9, and 77 of this title, amending sections 618, 621, 654, 1521, 1685, 1833, 2003A, 2014, 5701, 7101, and 7455 of this title, and repealing former chapter 3 of this title] (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this Act.

“(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(c) GENERAL SAVINGS PROVISION.—An action taken or an offense committed under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall be treated as having been taken or committed under the corresponding provision enacted by this Act.”

### PART I—GENERAL PROVISIONS

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#### AMENDMENTS

2006—Pub. L. 109-461, title IX, § 903(a)(2), Dec. 22, 2006, 120 Stat. 3464, added item for chapter 79.

Pub. L. 109-233, title IV, § 402(d)(3), June 15, 2006, 120 Stat. 411, added item for chapter 63.

2003—Pub. L. 108-183, title I, § 102(e)(2), Dec. 16, 2003, 117 Stat. 2655, substituted “Benefits for Children of Vietnam Veterans and Certain Other Veterans” for “Benefits for Children of Vietnam Veterans” in item for chapter 18.

2002—Pub. L. 107-330, title III, § 308(g)(1)(A), Dec. 6, 2002, 116 Stat. 2828, substituted “5100” for “5101” in item for chapter 51.

2001—Pub. L. 107-95, § 5(a)(2), Dec. 21, 2001, 115 Stat. 918, added item for chapter 20.

2000—Pub. L. 106-419, title IV, § 401(f)(2), Nov. 1, 2000, 114 Stat. 1861, substituted “Benefits for Children of Vietnam Veterans” and “1802” for “Benefits for Children of Vietnam Veterans Who Are Born With Spina Bifida” and “1801”, respectively, in item for chapter 18.

1998—Pub. L. 105-368, title V, § 512(a)(4)(B), Nov. 11, 1998, 112 Stat. 3341, substituted “Appeals for Veterans Claims” for “Veterans Appeals” in item for chapter 72.

1996—Pub. L. 104-204, title IV, § 421(b)(2), Sept. 26, 1996, 110 Stat. 2926, added item for chapter 18.

1994—Pub. L. 103-446, title XII, § 1201(h)(1), Nov. 2, 1994, 108 Stat. 4688, struck out item for chapter 42 and added identical new item for chapter 42.

Pub. L. 103-353, § 2(b)(1), Oct. 13, 1994, 108 Stat. 3169, substituted “Employment and Reemployment Rights of Members of the Uniformed Services” and “4301” for “Veterans’ Reemployment Rights” and “2021”, respectively, in item for chapter 43.

1991—Pub. L. 102-86, title IV, § 401(b)(2), Aug. 14, 1991, 105 Stat. 422, inserted “; Enhanced-Use Leases of Real Property” in item for chapter 81.

Pub. L. 102-83, §§ 2(d)(1), 5(b)(2), Aug. 6, 1991, 105 Stat. 402, 406, substituted “Department of Veterans Affairs . . . 301” for “Veterans’ Administration; Officers and Employees . . . 201” in item for chapter 3, added items for chapters 5, 7, 9, and 77, substituted “1101” for “301” in item for chapter 11, “1301” for “401” in item for chapter 13, “1501” for “501” in item for chapter 15, “1701” for “601” in item for chapter 17, “1901” for “701” in item for chapter 19, “2101” for “801” in item for chapter 21, “2301” for “901” in item for chapter 23, “2400” for “1000” in item for chapter 24, “3001” for “1401” in item for chapter 30, “3100” for “1500” in item for chapter 31, “3201” for “1601” in item for chapter 32, “3451” for “1651” in item for chapter 34, “3500” for “1700” in item for chapter 35, “3670” for “1770” in item for chapter 36, “3701” for “1801” in item for chapter 37, “3901” for “1901” in item for chapter 39, “4100” for “2000” in item for chapter 41, and “4211” for “2011” in item for chapter 42.

Pub. L. 102-54, § 14(e)(1), June 13, 1991, 105 Stat. 287, inserted “United States” in item for chapter 72.

Pub. L. 102-40, title IV, §§ 402(c)(2), 403(f)(1), May 7, 1991, 105 Stat. 239, 240, substituted “5101” for “3001” in item for chapter 51, “5301” for “3101” in item for chapter 53, “5501” for “3201” in item for chapter 55, “5701” for “3301” in item for chapter 57, “5901” for “3401” in item for chapter 59, “6101” for “3501” in item for chapter 61, “Boards, Administrations, and Services” for “Boards and Departments” in item for part V, “7101” for “4001” in item chapter 71, “7251” for “4051” in item for chapter 72, “Veterans Health Administration—Organization and Functions . . . 7301” for “Department of Medicine and Surgery . . . 4101”, added item for chapter 74, struck out item for chapter 75 “Veterans’ Canteen Services . . . 4201”, substituted “7601” for “4301” in item for chapter 76, added item for chapter 78, substituted “8101” for “5001” in item for chapter 81, “8201” for “5070” in item for chapter 82, “8301” for “5101” in item for chapter 83, and “8501” for “5201” in item for chapter 85.

Pub. L. 102-16, § 9(c)(2), Mar. 22, 1991, 105 Stat. 55, struck out “Disabled and Vietnam Era” after “Employment and Training of” in item for chapter 42.

1988—Pub. L. 100-687, div. A, title I, § 103(c)(1), title III, § 301(b), Nov. 18, 1988, 102 Stat. 4107, 4121, substituted “Claims” for “Applications” in item for chapter 51 and added item for chapter 72.

Pub. L. 100-322, title II, § 216(e)(2), May 20, 1988, 102 Stat. 530, added item for chapter 76.

1984—Pub. L. 98-525, title VII, § 702(a)(2), Oct. 19, 1984, 98 Stat. 2563, added item for chapter 30.

1982—Pub. L. 97-306, title III, § 301(b)(2), Oct. 14, 1982, 96 Stat. 1437, substituted “2000” for “2001” in item for chapter 41.

Pub. L. 97-295, § 4(1)(A), Oct. 12, 1982, 96 Stat. 1304, substituted “1500” for “1,500” in item for chapter 31.

Pub. L. 97-295, § 4(1)(B), Oct. 12, 1982, 96 Stat. 1304, substituted “1651” for “1650” in item for chapter 34.

<sup>1</sup> So in original. Does not conform to chapter heading.

Pub. L. 97-295, §4(1)(C), Oct. 12, 1982, 96 Stat. 1304, added item for chapter 82.

1981—Pub. L. 97-72, title III, §302(b)(2), Nov. 3, 1981, 95 Stat. 1059, substituted “Housing and Small Business Loans” for “Home, Condominium, and Mobile Home Loans” in item for chapter 37.

1980—Pub. L. 96-466, title I, §101(b), Oct. 17, 1980, 94 Stat. 2186, substituted “Training and Rehabilitation for Veterans with Service-Connected Disabilities . . . 1,500” for “Vocational Rehabilitation . . . 1501” in item for chapter 31.

1976—Pub. L. 94-581, title II, §203(a), Oct. 21, 1976, 90 Stat. 2856, inserted “Nursing Home,” in item for chapter 17.

Pub. L. 94-502, title III, §309(b), Oct. 15, 1976, 90 Stat. 2391, substituted “Survivors’ and Dependents’ Educational Assistance” for “War Orphans’ and Widows’ Education Assistance” in item for chapter 35.

Pub. L. 94-502, title IV, §405, Oct. 15, 1976, 90 Stat. 2397, added item for chapter 32.

1974—Pub. L. 93-569, §7(d), Dec. 31, 1974, 88 Stat. 1866, substituted “Home, Condominium, and Mobile Home Loans” for “Home, Farm, and Business Loans” in item for chapter 37.

Pub. L. 93-508, title IV, §404(b), Dec. 3, 1974, 88 Stat. 1600, added item for chapter 43.

1973—Pub. L. 93-43, §2(b), June 18, 1973, 87 Stat. 78, added item for chapter 24.

1972—Pub. L. 92-540, title V, §§502(b), 503(b), Oct. 24, 1972, 86 Stat. 1097, 1098, substituted “, Training and” for “and Employment” in item for chapter 41, and added item for chapter 42.

1971—Pub. L. 91-666, §2(b), Jan. 11, 1971, 84 Stat. 2000, substituted “Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces” for “Automobiles for Disabled Veterans” in item for chapter 39.

1968—Pub. L. 90-631, §2(h)(2), Oct. 23, 1968, 82 Stat. 1333, substituted “War Orphans’ and Widows’ Educational Assistance . . . 1700” for “War Orphans’ Educational Assistance . . . 1701” in item for chapter 35.

1966—Pub. L. 89-358, §§4(c), 6(b), Mar. 3, 1966, 80 Stat. 23, 27, substituted chapter “34. Veterans’ Educational Assistance . . . 1650” for chapter “33. Education of Korean Conflict Veterans . . . 1601” and added chapter 36; and substituted “Job Counseling and Employment Placement Service for Veterans” for “Unemployment Benefits for Veterans” in item for chapter 41, respectively.

1965—Pub. L. 89-50, §1(b), June 24, 1965, 79 Stat. 173, struck out item for chapter 43 which related to mustering out payments.

## PART I—GENERAL PROVISIONS

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### AMENDMENTS

1991—Pub. L. 102-83, §2(d)(2), Aug. 6, 1991, 105 Stat. 402, substituted “Department of Veterans Affairs . . . 301” for “Veterans’ Administration; Officers and Employees . . . 201” in item for chapter 3 and added items for chapters 5, 7, and 9.

## CHAPTER 1—GENERAL

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103.	Special provisions relating to marriages.
104.	Approval of educational institutions.
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106.	Certain service deemed to be active service.
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108.	Seven-year absence presumption of death.
109.	Benefits for discharged members of allied forces.
110.	Preservation of disability ratings.
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112.	Presidential memorial certificate program.
113.	Treatment of certain programs under sequestration procedures.
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### AMENDMENTS

2000—Pub. L. 106-419, title IV, §403(d)(1)(B), Nov. 1, 2000, 114 Stat. 1864, added item 116.

1991—Pub. L. 102-86, title IV, §402(b), Aug. 14, 1991, 105 Stat. 422, added item 115.

1989—Pub. L. 101-237, title VI, §601(b)(2), Dec. 18, 1989, 103 Stat. 2094, struck out “for certain medical items” after “Multiyear procurement” in item 114.

1988—Pub. L. 100-322, title I, §108(e)(2), title IV, §404(b), May 20, 1988, 102 Stat. 498, 547, substituted “Payments or allowances for beneficiary travel” for “Travel expenses” in item 111 and added item 114.

1986—Pub. L. 99-576, title VI, §601(a)(2), title VII, §701(1)(B), Oct. 28, 1986, 100 Stat. 3289, 3290, struck out “; husbands” after “parents” in item 102 and added item 113.

1972—Pub. L. 92-540, title IV, §409, Oct. 24, 1972, 86 Stat. 1092, substituted “Dependent parents; husbands” for “Dependent parents and dependent husbands” in item 102.

1965—Pub. L. 89-88, §1(b), July 24, 1965, 79 Stat. 264, added item 112.

1964—Pub. L. 88-445, §1(c), Aug. 19, 1964, 78 Stat. 464, substituted “Preservation of disability ratings” for “Preservation of total disability ratings” in item 110.

## § 101. Definitions

For the purposes of this title—

(1) The terms “Secretary” and “Department” mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.

(2) The term “veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(3) The term “surviving spouse” means (except for purposes of chapter 19 of this title) a person of the opposite sex who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.

(4)(A) The term “child” means (except for purposes of chapter 19 of this title (other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter) and section 8502(b) of this title) a person who is unmarried and—

(i) who is under the age of eighteen years;

(ii) who, before attaining the age of eighteen years, became permanently incapable of self-support; or